

“When a church organization asks the benefit of the law by an act of incorporation, it must submit to the great primal law of the Union—the Constitution of the United States interpreted by the Declaration of Independence.” - Senator Charles Sumner, 1872

“Whenever a church organization seeks incorporation it must submit to the great political law of the land. It can have the aid it seeks only by submitting to this political law.” - Senator Charles Sumner, 1872

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Defending the True Church

The true church must be defended differently from an incorporated entity. To the chagrin of many pastors, the church cannot engage an attorney and enter the courtroom to defend against charges. It may not enter the legal arena to sue for its rights, because it possesses no legal rights.

A number of books and articles have been written, wherein the author emphatically made this point: a corporation has no constitutional rights; a true church does. Quite the opposite is actually true: the corporation has rights bestowed upon it as a legal entity; the church has no constitutional rights, because it is a spiritual entity drawing all of its authority from its Sovereign, the Lord Jesus Christ.

The church must always stand on a jurisdictional position (no attorney can go into court and represent this position or the argument is lost). The church has no other issue, no other defense. When combined with any other argument, the jurisdictional argument becomes moot and is lost.

When the church is placed in a position where it must take a stand, it must do so rightly before God, not just be-

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fore the government from which the attack comes. This requires:

- 1) A Biblical position (leave the constitutional issues for the lost to pursue. They cannot stand on Scripture, so their principles must come from elsewhere. Those folks need the Constitution to fall back on. It is their foundation. The church's foundation is the Word of God.)

- 2) That position must be firmly held.

- 3) That position must be consistently demonstrated (not a position lately adopted for convenience)

- 4) That position must be legally defined (in terms of a legal issue)

- 5) That position must be properly presented (in terms of Biblical conviction)

- 6) That position must be uncompromisingly defended (at whatever cost is required of us)

Many churches enter a *battle* (Christian school, day care, licensing, etc.) without any foundational principles on which to base their stance. They know they're against a particular issue, but have laid no foundation for standing aright before both God and man. We suggest the following foundational principles as essential if we are to stand for that which is right and expect the victory from the Lord:

- 1) Every righteous act has its foundation in the Word of God. The church determines what is a righteous cause based solely on the Word. The church stands firm when it is convinced it is doing right before God.

- 2) Romans 13 teaches us that government is to support those who do well, while punishing those who do evil. It is the church's responsibility to determine whether or

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not the government is fulfilling its function or overstepping its God-given bounds.

3) The determination of what is good or evil is never based on men's assessment. Conduct that is offensive to God cannot be excused even though it is approved by men. On the other hand, churches have also been led into conflict with the government because of something that man - not God - considered wrong.

4) When righteous conduct results in legal difficulties, the only defense is the Word of God. God will protect His church. Let us stand for the right because it is right.

5) Every act that is right before God will find a legal foundation which may be used by the courts in their rulings. The appellate court in Wisconsin received a brief that was almost totally comprised of Scripture, and spent almost twelve months studying the legal history of the state, to ultimately agree with the church on a property tax issue. Presented with a Biblical issue, the court discovered a legal reason for concurring.

The principles for defending the Lordship church could be called -

The Babylonian Guerrilla Defense

These principles are not some new "silver bullet" or magical argument; this is a defense based on the old paths. The focal point of the study is to demonstrate the means to **practice the jurisdictional position, not just preach it.**

The example of Daniel and the three Hebrew children provides a real-life illustration of this stance. A study of

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their trials will provide an instructive platform for our study.

1. They were under a foreign system and forced to operate under it.

Daniel 1:1-3

1 In the third year of the reign of Jehoiakim king of Judah came Nebuchadnezzar king of Babylon unto Jerusalem, and besieged it.

2 And the Lord gave Jehoiakim king of Judah into his hand, with part of the vessels of the house of God: which he carried into the land of Shinar to the house of his god; and he brought the vessels into the treasure house of his god.

3 And the king spoke unto Ashpenaz the master of his eunuchs, that he should bring certain of the children of Israel, and of the king's seed, and of the princes;

Strained legal arguments abound, and someone is always trying to foist them upon a church. The purpose here is not to explore these issues, nor to evaluate the legal merits of these sundry positions. It is important, however, to briefly demonstrate their relationship to the church in its stand for righteousness.

The zip code moves mail. It does not, however, affect our status under God. It is the church's standing before God that affects our position. The UCC is a code law for commercial transactions, but has very little to do with Biblical standards. The Federal Reserve Note is not

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money - this, of course, is true, but the FRN does buy food, gasoline and utilities, and will not affect the church's Biblical position.

What is the point? The church ministers under this world system. The church must be in the world, but not of the world; in order to effectively minister in the world, the body must operate in the world. The church has no mandate to overthrow the system, nor is it within our comprehension to do so, and it is a legally fatal position!

(Yes, Your Honor, I would like to present a motion to rule that the Federal Reserve System is illegal, that Ohio was never a state, so all federal law is null and void, and that the 17th Amendment is unconstitutional on its face and there is no legitimate congress or court in America.... What do you mean 'frivolous motion'?)

2. They were standing on an honest Biblical conviction.

Daniel 1:8 But Daniel purposed in his heart that he would not defile himself with the portion of the king's meat, nor with the wine which he drank: therefore he requested of the prince of the eunuchs that he might not defile himself.

Daniel 3:18 But if not, be it known unto thee, O king, that we will not serve thy gods, nor worship the golden image which thou hast set up.

Daniel 6:5 Then said these men, We shall not find any occasion against this Daniel, except we find it

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against him concerning the law of his God.

The stand these young men took, in every instance, represented a Biblical conviction. In each case, the problem was an outgrowth of their convictions before God. They weren't opposing the law of the land; they were standing for the law of God. They chose not to defile themselves, nor to worship and serve false gods, nor to bow to men's law, when obedience to God was at stake.

The arguments of men are ever-changing. Even the Constitution is as shifting sand, blowing whichever way the political wind is blowing. Ideas and arguments are changing daily in the legal arena. The Word of God, however, never changes!

These men did not come face to face with a law they didn't like and then run to the Bible to find a reason for refusing to obey the law. Rather, they were instilled with deep and abiding convictions long before the conflict came. The law crossed already fully-developed convictions. True Biblical convictions give way for no man or consequence. Even the fiery furnace and the lion's den will not dissuade the man of God who is founded upon a Biblical conviction.

What Biblical convictions does the church hold? Are those convictions well-defined? Is there a keen awareness of the lines defining those convictions, lines that may not be crossed, at peril of treachery to the Savior? Have these convictions come out of Scripture, a natural result of studying the Word of God, or are they manufactured? Has the church been guilty of settling on a belief and then going in search of proof texts to support that posi-

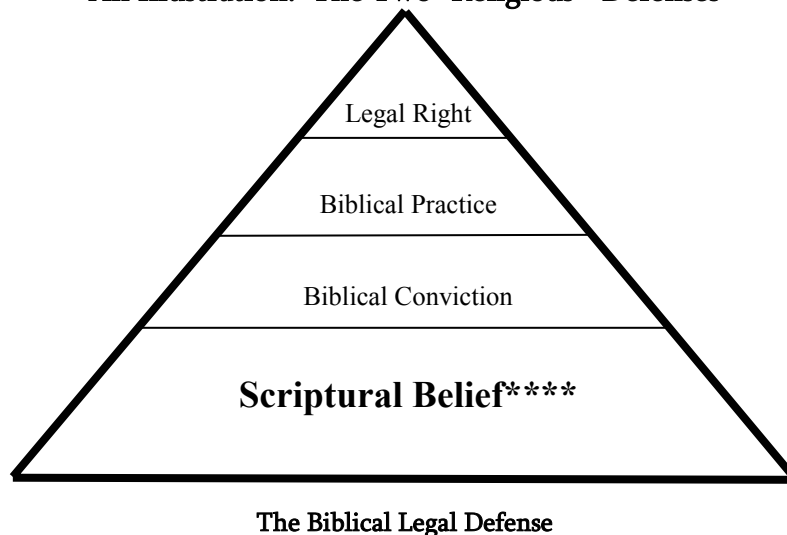
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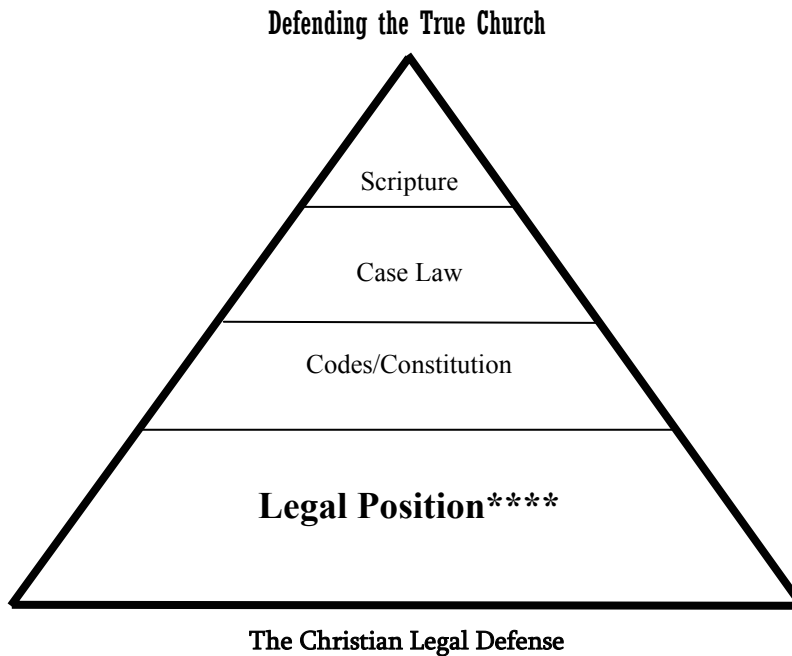
tion? Indeed, many pastors have convictions defined by seminary professors and Bible college presidents, but not by an ardent study of Scripture and the leading of the Holy Spirit.

Is it not true that the government has no jurisdiction over the church, that teachers in Christian schools and home schools should not have to be government-licensed and certified? Is it not true that education and discipline of children is the responsibility of the parents, who have the right to make all the decisions? Are these convictions based on Scripture? Without a Biblical basis, there is a position, but not a conviction.

Biblical positions need to be well-defined, as were those of the Hebrew children. Their problems came out of the position; they didn't have to hunt for a Scripture to support their position.

An Illustration: The Two "Religious" Defenses





Explanation:

In the legal defense most often used by Christian legal organizations, the *legal position* is the starting point. Homeschooling may be used as an example. Parents believe they have a legal right to homeschool their child. They begin to search the *Constitution* for support— in this case, the 1st Amendment, as applied to the states by the 14th Amendment (arguing freedom of religion). A case will be required - a legal precedent - upon which to rely. The Yoder case is discovered, concerning Amish people who were not required to obey the compulsory attendance laws. Almost as an afterthought, the *Scripture* is inserted which requires the parents to train their children. Notice the four stars next to *legal position* (****). They indicate which issue the court must address when this case comes before it. The court addressed the *legal*

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position (Bennett, Supreme Court of Michigan). The court said, in essence: You don't have a constitutional right to homeschool your children and you are not Yoder. End of case.

In the Biblical Legal Defense, the *Scriptural belief* is the starting point. Using the previous illustration, it is the belief that God has given the children to the parents as a stewardship and the parents are responsible to God; therefore, they cannot abdicate that stewardship even if there is jail to face. This conviction now produces *Biblical practice*. The parents can ask no permission to do what they believe is right; nothing can be allowed to dissuade them. They teach their children at home. They may believe they also have a *legal right* to do so. Again, the four stars next to *Scriptural belief* (****) denote the issue the court must face. Using this approach, the court is forced to face the Scriptural belief. The judge will have to answer to God, not just man's law. The court addressed the Scriptural position (DeJonge, Supreme Court of Michigan) and said, in essence: Here is a man who cannot obey the law because he believes that to do so would bring him under the judgment of Almighty God. We have no right to force him into an action he believes God will judge.

3. The system did not affect their spirituality. They did not defy the system; they obeyed God irrespective of the system.

Daniel 3:12 There are certain Jews whom thou hast set over the affairs of the province of Baby-

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lon, Shadrach, Meshach, and Abednego; these men, O king, have not regarded thee: they serve not thy gods, nor worship the golden image which thou hast set up.

Daniel 6:10-11 Now when Daniel knew that the writing was signed, he went into his house; and his windows being open in his chamber toward Jerusalem, he kneeled upon his knees three times a day, and prayed, and gave thanks before his God, as he did aforetime. Then these men assembled, and found Daniel praying and making supplication before his God.

The difference here is one of perspective. What is the desired result? Is this merely an effort to prove a point, or is it a determination to do right before God? The system does not determine what is right or wrong; it does not set the standard. Its rules are not vital to the issue at hand (i.e. If the issue is Biblical, does it matter if it is an article 1 or article 3 court? If Lordship is the issue, does it matter what degrees your "Christian school" teachers have?), nor are consequences to be considered. When the church stands, it stands on issues of right and wrong, matters of conviction and principle. Consequences are in the Lord's hands. He will do what best suits His purpose. The church must stand right and leave the results to Him.

Please notice that these young men did not draw attention to themselves. They did not make a public spectacle of their defiance. They merely continued doing right before God. They were living out their convictions, not searching out a battle to engage in. The battle came

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to them; they did not pursue it. There may have been others who did not bow, or who continued to pray. The Bible does not say, for God did not place them in the furnace or the lion's den. God brought the battle to those **He** wanted to fight it, those He trusted with the battle!

The believer's responsibility is to go about the business of obeying God, and leave the battles in His hands. It is not necessary to draw attention to non-compliance, as if there were something overtly spiritual about being involved in some battle with the government. Men who are starting "educational ministries" (too often wrongly referred to as "Christian schools") should just begin. There is no need to put up a sign, no need to draw much attention to what is being done. Obey God, and that ministry may operate in peace until the Lord comes. Homeschooling couples ought to do the same; just begin. There is no need to write letters, fill out forms, or inform many people. It is unwise, however, to take the kids to the store at 11:00 in the morning. Homeschooling parents should keep a low profile, simply doing what they believe is right before God.

4. They sought to be reasonable within the bounds of their principles.

Daniel 1:12,13 Prove thy servants, I beseech thee, ten days; and let them give us pulse to eat, and water to drink. 13 Then let our countenances be looked upon before thee, and the countenance of the children that eat of the portion of the king's meat: and as thou seest, deal with thy servants.

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NOTE: There is no reference here to Daniel, chapters 3 or 6, because there was not room for reasoning there. The issues were beyond reasoning.

In this circumstance, Daniel and the Hebrew boys proposed a reasoned alternative to the king's decree. Daniel sought a way to meet the objectives of the king, without defiling himself with the king's meat. There was no compromise offered, but there was a willingness to be reasonable. The Attorney General in one state offered to meet with three pastors involved in a controversy. He said, "We can work something out." One of the pastors responded to his offer by saying, "All I'd give him is a knuckle sandwich." That pastor went to jail. But he was no hero to the cause; he was merely unreasonable. **There is no excuse for compromise**, but neither is there an excuse for being unreasonable.

It should be noted that although Daniel offered an alternative, he did not offer a compromise. He told the servant of the king, Try our program for 10 days and see if we don't look healthier. If after 10 days, you don't agree that it works, you do what you have to do. Daniel did not say, I will do what you ask. Daniel had purposed in his heart that he would not defile himself, **and he would not defile himself**. If the verdict after 10 days had been: Eat the king's meat, Daniel would have had to face the consequences of his refusal to do so.

It is not compromise to talk things out. It is not compromise to reach an agreement without going to court or having a confrontation. It **is** compromise to reach an agreement that requires yielding **any part** of a Biblical

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conviction (no matter how small a part that may be).

The time of reasoning is also a time of **testimony**. It can be a time of good testimony or bad. Many battles are won in this arena, just as many testimonies are lost. In every case, even when there was no reasoning to be done, the boys demonstrated a respectful tone in speaking to the king. Even as they defied his law, they showed respect to his position. Their testimony was unblemished. When God intervened, the king could give glory to the God of heaven, because His servants had represented Him well.

It is mandatory to be reasonable with reasonable men. A good testimony must be exhibited before all who see and hear; however, a good testimony requires an uncompromising stance.

5. They did not appeal to any man-made laws or standards to defend their actions.

Daniel 3:16-17 Shadrach, Meshach, and Abednego, answered and said to the king, O Nebuchadnezzar, we are not careful to answer thee in this matter. 17 If it be so, our God whom we serve is able to deliver us from the burning fiery furnace, and he will deliver us out of thine hand, O king.

Daniel 6:16 Then the king commanded, and they brought Daniel, and cast him into the den of lions. Now the king spake and said unto Daniel, Thy God whom thou servest continually, he will deliver thee.

It is of interest that the boys never hired an attorney,

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never appealed to the constitution and never argued their case under Babylonian law. Their approach was totally Biblical, not legal. When faced with the illegality of their acts, they stood firm on their conviction that what they were doing was right before God, and that He would vindicate them.

As a sidelight, it is interesting that the king attempted to use the law of the land to deliver Daniel, but God would not allow it. If the king had found a loophole in the law and been able to deliver Daniel from the lion's den, God would not have had the opportunity to display His mighty power. God would not have gotten the glory from the king and the people of the land. Daniel might still have given glory to God, but the rest of the world would have given the glory to the king and his clever legal mind.

It does not matter what the code says, or what the rules say. It does not matter if there is a way around the law. God doesn't get glory that way. Those things bring glory to man and his ingenuity, but not to God. God desires and deserves all the glory. Homeschoolers, churches and families must stand on the Word of God. No human justification is needed, if the action is right before the Lord.

Note that it is preferable to offer the court a legal reason for a Biblical stance, because it gives them a face-saving out. However, it is necessary to make the court, commission or bureaucracy face the Scriptural truth as the basis for the action at issue.

6. They ultimately stood for what was right and godly,

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although it was unacceptable to the authorities.

Daniel 3:18 But if not, be it known unto thee, O king, that we will not serve thy gods, nor worship the golden image which thou hast set up.

Daniel 6:16 Then the king commanded, and they brought Daniel, and cast him into the den of lions. Now the king spoke and said unto Daniel, Thy God whom thou servest continually, he will deliver thee.

Sometimes things cannot be settled and it is necessary to face the consequences of a refusal to comply with the wishes of the authorities. The purpose is not to stay out of jail or out of fiery furnaces (neither is it necessary to try to get into them). The singular purpose is to do right before God. Some years ago, the head of a prominent Christian legal organization said, "Our mission is to keep pastors out of jail." They had a wrong mission. They must have thought the poor apostle Paul was out of God's will. The Ecclesiastical Law Center's purpose is to help pastors stand firm on their Biblical convictions, and represent those convictions in a way that is pleasing to the Lord, and a testimony to those who witness the events surrounding the conflict.

Some may have to go to jail, but no believer should be looking to go to jail unless that is where God wants him. Some preachers have got themselves put in jail in the hope of gaining notoriety and being considered a martyr for the cause. It may be necessary to defy the law and the authorities, but that should be by divine direction, not

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human rebellion.

When faithfulness and obedience to God brings the believer under attack, the first course of action is to be reasonable. If reasoning cannot produce a settlement, without compromising Biblical convictions, then it will be necessary to accept the consequences that God allows. After all else is said and done, sometimes all that remains is to stand.

7. God accomplished HIS purpose

Daniel 1:17 As for these four children, God gave them knowledge and skill in all learning and wisdom: and Daniel had understanding in all visions and dreams.

Daniel 3:25-26 He answered and said, Lo, I see four men loose, walking in the midst of the fire, and they have no hurt; and the form of the fourth is like the Son of God. 26 Then Nebuchadnezzar came near to the mouth of the burning fiery furnace, and spake, and said, Shadrach, Meshach, and Abednego, ye servants of the most high God, come forth, and come hither. Then Shadrach, Meshach and Abednego, came forth of the midst of the fire.

Daniel 6:22 My God hath sent his angel, and hath shut the lions' mouths, that they have not hurt me: forasmuch as before him innocency was found in me, and also before thee, O king, Have I done no hurt.

The three Hebrew children allowed God to accomplish

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His purpose in His way! God wanted them in the fiery furnace, **so He could bring them out**. God wanted Daniel in the lion's den, **so He could deliver him**. Protecting them in the furnace and the lion's den - bringing them safely out, once they had been thrown in - this was a greater work than merely keeping them out in the first place. God was accomplishing a purpose and getting glory for Himself, and the Hebrew children were glad to have God get the glory in any way He saw fit.

People ask, Where are these great deliverances today? The answer is clear: There are few around today with the courage and conviction of the Hebrew children. Men are not willing to stand on godly ground and refuse to quail before the pressure. There are few who are willing to stand for the Word of God and let God do His work. God's people have become enamored with legal quirks and technicalities. They are looking for a way around the problem, a little compromise. They do not stand on godly principle, so God does not get the glory. They are not willing to trust Him to deliver; they prefer, instead, to rely on the arm of the flesh.

Is God not the same today as in Daniel's day? Can He not still be trusted to deliver His own? Is there a fear of letting God work out His purpose, because the way may be hard, and there may be consequences to endure?

What was the end result of their actions?

Daniel 1:19-20 And the king communed with them: and among them all was found none like Daniel, Hananiah, Mishael, and Azariah: there-

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fore stood they before the king. 20 And in all matters of wisdom and understanding, that the king inquired of them, he found them ten times better than all the magicians and astrologers that were in all his realm.

Daniel 3:28-29 Then Nebuchadnezzar spake, and said, Blessed be the God of Shadrach, Meshach, and Abednego, who hath sent his angel, and delivered his servants that trusted in him, and have changed the king's word, and yielded their bodies, that they might not serve nor worship any god, except their own God. 29 Therefore I make a decree, That every people, nation, and language, which speak any thing amiss against the God of Shadrach, Meshach, and Abednego, shall be cut in pieces, and their houses shall be made a dunghill: because there is no other God that can deliver after this sort.

Daniel 6:25-27 Then king Darius wrote unto all people, nations, and languages that dwell in all the earth: Peace be multiplied unto you. 26 I make a decree, That in every dominion of my kingdom men tremble and fear before the God of Daniel: for he is the living God, and stedfast for ever, and his kingdom that which shall not be destroyed, and his dominion shall be even unto the end. 27 He delivereth and rescueth, and he worketh signs and wonders in heaven and in earth, who hath delivered Daniel from the power of the lions.

Daniel, Shadrach, Meshach and Abednego stood by

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their convictions. They stood without apology and without compromise. They were condemned and sentenced. Sentence was executed, yet they were gloriously delivered. It was all God's work. They maintained a right spirit in the eyes of both God and man (except, of course, for those who objected to their stand) throughout the whole ordeal. As a result, three things happened:

1. They were a testimony for the God of Israel to kings and courts and the heathen nation in which they found themselves.

2. Others were strengthened by their faithfulness and protected by their stand. Who could see the Hebrew children come out of the fire and not strengthen their resolve to stand faithfully for God in the days ahead? Who could see the deliverance of Daniel from the lion's den and not be encouraged to stand true to the God of Israel? And who would ever again be consigned to the fire for refusing to bow?

3. Above all else, God got all the glory. There were no human instruments to steal the glory from God Almighty. When God gets the glory, Satan is defeated!

May God raise up people to stand for Him ... in His way ... seeking His purpose ... trusting Him for deliverance ... giving Him all the glory.